

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ALBERTO MARTINEZ,
Plaintiff

v.

UNIVERSITY OF TEXAS AT AUSTIN,
Defendant.

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CIVIL ACTION NO.: 1:20-cv-01175-DAE

UNOPPOSED MOTION TO WITHDRAW AS ATTORNEY OF RECORD

TO THE HONORABLE JUDGE DAVID A. EZRA:

NOW COMES, Katherine Frank, the attorney of record for Plaintiff in the above-styled and numbered cause and moves the Court to be allowed to withdraw as the Plaintiff's attorney of record. In support thereof, counsel would show the following:

1. Plaintiff is Alberto Martinez; Defendant is the University of Texas at Austin ("UT"). Plaintiff sued Defendant UT for retaliation under Title VII.
2. Plaintiff intends to pursue an appeal of this Court's Order Granting UT's Motion for Summary Judgment *pro se*. Counsel for Plaintiff has delivered a motion to withdraw to Plaintiff requesting his signature, which Plaintiff has signed to confirm he is unopposed to this Motion to Withdraw.
3. The decision whether to grant an attorney's motion to withdraw is "entrusted to the sound discretion" of the district court. *See In re Wynn*, 889 F.2d 644, 646 (5th Cir. 1989). "An attorney may withdraw from representation only upon leave of the court and a showing of good cause and reasonable notice to the client." *Gowdy v. Marine*

Spill Response Corp., 925 F.3d 200, 204 (5th Cir. 2019) (internal citations omitted).

Pursuant to Local Rule AT-3, “[a]n attorney seeking to withdraw from a case must file a motion specifying the reasons for withdrawal and providing the name and office address of the successor attorney. If the successor attorney is not known, the motion must set forth the client’s name, address, and telephone number, and must bear either the client’s signature or a detailed explanation why the client’s signature could not be obtained after due diligence.”

4. Allowing Katherine Frank to withdraw as attorney for Plaintiff will not delay these proceedings as final judgment was previously entered on December 14, 2022.
5. Katherine Frank has delivered a copy of this motion via electronic mail to Alberto Martinez at almartinez1905@gmail.com. Counsel has informed Plaintiff in writing of the motion.
6. Plaintiff’s last known address is 409 E. 38th St. # 203 Austin, TX 78705. Plaintiff’s phone number is (512) 517-2755. Plaintiff’s electronic mail address is almartinez1905@gmail.com.
7. The following is a list of all pending settings and deadlines in this case: deadline to appeal the Court’s Order Granting UT’s Motion for Summary Judgment is January 13, 2023.

WHEREFORE, the undersigned counsel prays that she be allowed to withdraw as attorney of record for the Plaintiff in this case.

Respectfully submitted,

KNOX RICKSEN LLP

/s/ Katherine Frank

KATHERINE FRANK

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COUNSEL FOR PLAINTIFF

AGREED:

DocuSigned by:

Alberto A. Martinez

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Alberto Martinez, Pro Se Plaintiff
Email: almartinez1905@gmail.com
409 E. 38th St. # 203
Austin, TX 78705
Tel. (512) 517-2755

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with opposing counsel on this Motion by e-mail on January 9, 2023. On that date, Counsel for Defendant advised that Defendant is unopposed to this Motion to Withdraw as Attorney of Record.

/s/ Katherine Frank

Katherine Frank

CERTIFICATE OF SERVICE

I certify that on January 10, 2023, a true and correct copy of the Unopposed Motion to Withdraw as Attorney of Record was served on Todd Dickerson, counsel for Defendant, electronically through the electronic filing manager.

/s/ Katherine Frank

Katherine Frank